

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:11-CR-369-FL-1

No. 5:16-CV-959-FL

GUILLERMO BERRELLEZA-CASTORENA,)

)

Petitioner,)

)

v.)

ORDER

)


UNITED STATES OF AMERICA,)

)

Respondent.)

This matter is before the court sua sponte. On June 27, 2016, petitioner filed a motion to vacate, set aside, or correct sentence made pursuant to 28 U.S.C. § 2255, as corrected and amended (DE 35, 36), that is pending. This court was advised that petitioner was released from the custody of the Bureau of Prisons on March 23, 2017. On May 25, 2017, this court entered an order directing petitioner to advise this court, within twenty days, whether he intends to pursue his § 2255 motion. Petitioner was warned that failure to respond may lead to dismissal of his § 2255 motion. Petitioner failed to respond, and the time for doing so has passed. Consequently, petitioner's § 2255 motion (DE 35, 36) is DISMISSED without prejudice for failure to prosecute. A certificate of appealability is DENIED.

SO ORDERED, this the 26th day of June, 2017.



LOUISE W. FLANAGAN
United States District Judge